



THE CITY OF NEW YORK
LAW DEPARTMENT

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RECEIVED
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August 11, 2008

BY HAND

Honorable Gerard E. Lynch
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Lendor, Henry v. City of New York, et al., 07 CV 07617 (GEL)(MHD)

Dear Judge Lynch:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and attorney for defendants City of New York and Raymond Kelly (hereinafter "City defendants"). I am writing with the consent of plaintiff's counsel, Nicole Bellina, Esq., to respectfully request leave to file an answer on behalf of City defendants.

The complaint alleges, inter alia, that plaintiff Henry Lendor was falsely arrested/imprisoned, subjected to excessive force and subjected to malicious prosecution. In a letter dated October 23, 2007, this office requested that this matter be stayed in its entirety on the basis that criminal charges were pending against plaintiff pertaining to the incident complained of and requested thirty days for the date the stay was lifted to file and answer. By Order dated November 30, 2007, Your Honor granted this office's request and issued a stay of proceedings in this matter pending the resolution of the criminal charges against plaintiff in Kings County Criminal Court. In a subsequent telephone conversation with the Court, plaintiff's counsel informed the Court that the criminal charges pending against plaintiff in the instant matter had been resolved and the Court scheduled an initial conference for May 27, 2008. At the conference the Court adopted a Civil Case Management Plan and the stay was therefore lifted. City defendants inadvertently neglected to file an answer when the stay was lifted. Ms. Bellina brought this matter to the attention of the undersigned and as noted above, has consented to this request. It is therefore respectfully requested that the City defendants be permitted to file an answer at this time.

SO ORDERED
GERARD E. LYNCH, U.S.D.J.
5/13/08

I thank the Court for its time and consideration of this request.

Respectfully submitted,



Meghan A. Cavalieri (MC 6758)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: VIA FACSIMILE
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